



AGENDA REPORT

CITY OF SAN CLEMENTE

City Council Meeting

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San Clemente, California
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Meeting Date: 2/7/2023

Agenda Item: 9D

Department: City Manager
Prepared By Sean Joyce, Interim City Manager

Subject:

Action Plan Report for Addressing City's Anti-Camping Code Compliance and Associated Public Property Maintenance Efforts

Fiscal Impact:

The cost of implementing items identified as "immediate" operational action plans can be absorbed within the existing resources of the FY23 budget. The cost of implementing ongoing weekend cleaning at local public "hot spots" by way of amending an existing maintenance contractor's contract, is estimated at \$80,000/yr. It will be presented for City Council policy approval and funding consideration at an upcoming Council meeting in the very near future. More substantive policy decisions with appreciable ongoing fiscal implications (e.g., converting select part-time positions to full-time) will be presented in the context of the draft FY24 budget.

Summary:

Evidenced by staff and City Council personal observations and anecdotal reports, the City's traditional efforts to keep the City's beaches, parks, and other public spaces, in tandem with the efforts of Orange County Sheriff's Department (OCSD) personnel, fall short of our performance expectations of both ourselves and those we serve-residents and business proprietors. Simply put, our deployment of resources leaves inadequate service coverage to satisfactorily keep the public spaces clear of litter, illicit drug paraphernalia, graffiti, illegal camping, clearance of public walkways, etc. It is abundantly clear that additional resources and methods are necessary to reach the level of service that we all desire to care for our beaches, parks, and public property.

Described below is a summary of the resources allocated heretofore to deter and address the deterioration of the quality of life emanating from illegal activity in the referenced public areas and the measures being implemented to bolster those resources to achieve our desired outcome of a safe and beautiful San Clemente that residents and business proprietors reasonably expect from the City.

Discussion:

The City's lack of adequate resources and/or less-than-optimal assignment of existing resources, particularly (but not limited to) during weekends and holidays, exacerbates the numerous challenges we face in our collective effort to meet community expectations associated with preventing and addressing myriad quality of life issues arising from persistent violations of the City's anti-camping ordinances. Exacerbating efforts are differing interpretations of *Martin v. Boise No. 15-35845* (9th Cir. 2018) present challenges to the City's efforts to meet community expectations of enforcement, especially to enforce a ban on public camping without a local shelter.

Below is a full description of existing efforts, identification of challenges that must be overcome, and an action plan aimed at improving City/OCSD efforts associated with violations of the City's anti-camping ordinances and violations of other ordinances intended to maintain the City's maintenance and aesthetics at all parks, beaches, and public spaces.

Staff's public presentation will omit an exhaustive explanation of the existing effort in favor of a description of new efforts being implemented to improve the appearance of our beaches, parks, and public spaces, especially in areas where there is significant and persistent concern.

Existing Enforcement & Management Resources Described (And Recommendations for Addressing Performance Shortfalls)

1. OCSD

a. Staffing level (aka, Strength of Service)

i. 37 deputies divided between 5 shifts throughout the week. Activities include "routine" calls for service, proactive enforcement, traffic enforcement and parking enforcement.

1. 1 deputy assigned as the Behavior Health Liaison primarily handling homeless issues.
2. 2 motor officers.
3. 2 Target Reduction Intervention Prevention deputies (specialized enforcement with focus being on apprehending career criminals).
4. 1 School Resource Officer.
5. 1 Directed Enforcement Team deputy (assigned to a regional Under Cover Team).
6. 4 Civilian Community Services Officers (parking enforcement and traffic collision).

b. Patrol Calls for Service in 2022

i. Over 25,000 calls for service.

1. More than 18,000 assigned calls and more than 6,000 observed activity (car stops, patrol checks, pedestrian checks, etc.) by deputies.
2. Of those calls, more than 3,000 calls (more than 15%) were related to homelessness.

c. Challenges include:

i. Lack of a local shelter and related court judgments and consent decrees hinder OCSD's ability to enforce anti-camping ordinances. (See *Martin v Boise*)

- ii. The volume of calls for service reduces time for patrol checks of problem areas (north beach and other areas).
- iii. OCSD responses to community reports are delayed and ineffective when reports are made long after incident(s) are initially witnessed and/or when the reports are submitted to OCSD indirectly-social media or through City personnel/officials. We encourage residents to report suspicious activity by calling OCSD dispatch as activity is occurring.

d. Immediate Action Plan:

- i. Improve coordination with city services, to include posting 24 hour notices on abundance of property, public works to address graffiti removal, power washing unsightly city property i.e. Benches, trash receptacles, sidewalks.
- ii. Captain Christian is exploring reallocation of resources to address homeless issues specifically, including weekend coverage where we seem to get a lot of the complaints.
- iii. Bolster proactive contacts/enforcement/outreach of homeless population by ensuring constant communication with patrol staff and supervisors about the urgent needs of the community
- iv. We have established a more direct line of contact between OCSD and Public works, Park Rangers, Code Enforcement by providing contact numbers for deputies in the field to call (business hours, after hours, weekends) regarding:
 - 1. Clean-up of city streets, sidewalks, trash receptacles, utility boxes, etc.
 - 2. Posting notification and collection of homeless property

2. Park Rangers

a. Staffing level:

- i. Staffing consists of 6 part-time personnel working 16 to 30 hours/week at hourly wages ranging from \$15.00/hr. to \$18.24/hr.
- ii. Park Rangers are scheduled during work shifts between 4:30 am and 1:00 am, seven days/week.
- iii. The major expectations of the Park Ranger program include the following duties, which are consistent with San Clemente court outcomes and settlement agreements:
 - 1. Enforcing SCMC at the parks, beach areas, trails, open spaces, and high fire hazard areas.
 - 2. Parking enforcement at parking lots associated with City facilities, parks

and beaches.

3. Opening and closing certain beach/park restrooms and park facilities.
4. Clearing beaches after the beach closes to the public at midnight.
5. Addressing unattended personal property, including posting notices, removing items, and storing items at the City Yard.
6. Park Rental/Reservation check-in/check-outs.
7. Monitoring compliance of permit holders on public property (e.g. City-permitted instructors).
8. Special Event staffing, set-up and tear-down assistance
9. Park patrol and facilities supervision, including monitoring/reporting of maintenance issues and graffiti.
10. Enforcing put-up/take-down provisions for *Martin* court-mandated public camping.

iv. Typical shifts, staffing, and duties of each shift, are as follows:

1. Morning shift
 - a. 4:30 am to 10:30 am
 - b. Staffed by one Park Ranger
 - c. Duties primarily involve opening western-most park and beach restrooms, and other park facilities, then patrolling the park properties.
2. Midday shift
 - a. 9:30 am to 4:30 pm
 - b. Staffed by one Park Ranger
 - c. Duties include patrolling park properties, the beach, and various City facilities; responding to complaints; posting notices on unattended property where found; removing stored or abandoned property when possible; working with Community Outreach, Code Enforcement, and OCSD staff as necessary to resolve issues or violations of SCMC. Additionally, this shift also provides special event support, and rental/reservation check-in/out.
3. Night shift
 - a. 5:00 pm to 1:00 am
 - b. For the night shift, management attempts to staff two Park Rangers, however due to current limitations in staffing, this only

Rangers, however due to current limitations in staffing, this only occurs four to five days per week, with the remaining night shifts staffed with one Park Ranger.

- c. Duties include patrolling park properties, the beach, and various City facilities; responding to complaints; posting notices on unattended property where found; removing stored or abandoned property when possible; working with Community Outreach, Code Enforcement, and OCSD staff, as necessary, to resolve issues or violations of SCMC. After 9:00 pm, this shift primarily focuses on the locking of park and beach restrooms, and other park facilities, and attempts to clear all people from the beach after it closes at midnight.

b. Cleanup Services of Homeless Activity/Encampments on Public Property

- i. When personal property is found to be unattended or abandoned, the Park Rangers/Code Enforcement staff responds to ascertain the status of the belongings and the process necessary to address the items. Abandoned property is property that by its condition of damage, deterioration, disrepair, non-use, obsolescence or location causes any reasonable person to conclude that the owner has permanently relinquished all rights thereto. Unattended property is stored property that has signs of ownership, such as packing, stacking, or organizing but is not currently in the vicinity of its owner.
- ii. For abandoned property, enforcement personnel may remove and immediately discard any abandoned essential and non-essential personal property located on City property without posting a notice either before or after removal. For unattended personal property, there are certain locations in the City, identified as Critical Use Areas, where property may be moved or removed immediately with a post-removal notice. For all other areas, there are determinations that must be made as to the type of belongings (essential vs. non-essential property) which dictate how notices must be provided prior to, and after, removal. Typically, outside of Critical Use Areas, most property found must be posted for 24 hours before enforcement personnel may remove and store the belongings.
- iii. In cases where unattended personal property or abandoned property can be removed, if the items can be collected and transported by Code Compliance/ Park Ranger staff, they will remove and store them, or discard them. For larger amounts of property, Code Compliance/ Park Ranger staff will coordinate collection and storage, or disposal, with Public Works Maintenance staff. For drug paraphernalia, OCSD should be contacted to determine the proper procedure for dealing with the items. City Code Compliance/ Park Ranger staff is not trained, or outfitted, to deal with the disposal of drug paraphernalia. In the

past, the OC Healthcare Agency's HazMat team has been contacted to address such items, otherwise Public Works Maintenance would need to address the disposal of these items.

- iv. If items are collected and stored, the City's policies require that access to essential personal property (tents, blankets, medications, etc.) is provided to the owners of such property within the first 24 hours after collection. Due to this, staff is limited in the days when items may be stored to Mondays through Thursdays, as there is no staff consistently available on Saturdays and Sundays to respond to such requests for access to stored items.

c. Challenges Include:

- i. We experience ongoing staffing shortages and high turnover due to lack of competitive compensation and limited assigned hours.
- ii. It has been a challenge to retain staff long enough to get them trained to qualify for issuance of P.C. 832 certification.

- 1. P.C. 832 is a California Penal Code and the 40 hour class that is commonly given is the minimum training requirements to be "in law enforcement." This certification is not the complete POST requirements needed to be a full-time officer (that instruction time is 940 hours). PC 832 allows one to issue citations, etc.

- 2. The advantage(s) of staff possessing P.C. 832 certification include:

- a. Having the knowledge, skills, and aptitude to enforce the SCMC effectively on City park and beach property.
 - b. Enforcement of violations of SCMC that do not typically rise to the level of a felony offense, and augmenting services provided by OCSD.
 - c. Overall crime is likely to reduce in the parks, beaches, Beach Trail, public City facilities (e.g. Community Center, Senior Center), and their associated parking lots in the presence of enforcement personnel actively engaged at the parks and beaches.

- iii. Lack of availability of local shelter beds as both an alternative to unhoused individuals sleeping in public spaces and to provide the requisite impetus for OCSD to take additional anti-camping enforcement measures.

d. Immediate Action Plan for Improvement(s):

- i. For the next 6 to 8 weeks, Park Rangers will redirect and target efforts at areas of significant concern, such as the beaches, coastal park facilities (areas west of the I-5 freeway), and associated parking lots. This effort, for specific shifts a few days a week, will require Park Rangers to temporarily forego typical park facility

patrols and assistance at most of the City's 33 public parks during such shifts to provide more time for the Park Rangers to address unattended property and clearing of the beach areas at night. Please note, this approach is not sustainable in the long term, as the underlying staffing shortages, and lack of proper training, would remain. It is the City's experience that this strategy will likely lead to increased calls for service related to park facilities. However, this approach will allow the Park Rangers to address the issues of primary community-wide concern more frequently in the immediate future. Staff will monitor the impacts of this redirection of efforts and provide our findings for consideration of the Near-Term Action Plan items.

- ii. City staff are continuing efforts to recruit, train, and mobilize new Park Ranger staff to cover existing vacancies and assist in patrolling park properties, the beach, and various City facilities; responding to complaints; posting notices on unattended property where found; removing stored or abandoned property when possible; working with Community Outreach, Code Enforcement, and OCSD staff as necessary to resolve issues or violations of SCMC.

e. Near-Term Action Plan (FY24 Budget)

i. Enhance Future Staff Resources:

- 1. Staffing enhancements are necessary to fully develop a Park Ranger program capable of thoroughly addressing SCMC violations on public property. While an increase to the Park Rangers pay would provide benefit in the near future, it is anticipated this improvement alone will not provide long-term retention and development of staff due to the absence of promotional opportunities that exist in the absence of full-time employment. The recurring retention issues experienced by the City's Park Ranger program would be alleviated by creating positions that allow for promotions of lower-level staff, as well as full-time, benefitted positions. Most of the Park Rangers who have worked for the City in the past three years have indicated a desire to find full-time employment. The following positions are recommended to be considered in the future to improve Park Ranger retention:

- a. Create a supervisory Lead Park Ranger position to assist in the day-to-day oversight of the Park Rangers, including supervision of performance of duties, training, and scheduling of shifts. Currently, the Lead Park Ranger is a non-supervisory position paying \$17.66 to \$21.67.

- b. Convert the existing 6 part-time Park Ranger positions, and add two full-time benefitted positions, to create the following Park Ranger Division:

- i. Two full-time Park Rangers II

1. This position would be responsible for enforcing SCMC at the parks, beach areas, and trails, parking enforcement, opening and closing beach/park restrooms and facilities, clearing beaches after the beach closes, addressing unattended personal property, including posting notices, removing and storing items, and all duties of the Park Ranger I.
- ii. Two part-time Park Rangers II (30 Hrs PT)
 1. This position would be responsible for the same duties as the full-time Park Ranger II
- iii. Four part-time Park Rangers I (20-30 Hrs PT)
 1. This position would be responsible for opening and closing certain beach/park restrooms and park facilities, park rental/reservation check-in/check-outs, monitoring compliance of permit holders on public property (e.g. City-permitted instructors), park patrol and facilities supervision, and Special Event staffing, set-up and tear-down assistance.

3. Code Enforcement

a. Staffing level:

- i. Current staffing of Code Enforcement personnel consists of a Senior Code Compliance Officer, a Code Compliance Officer, and a Code Compliance Technician. These positions work 4/10 schedules and cover shifts seven days a week, generally including Monday through Wednesday from 6:30 am to 6:00 pm, Thursdays and Fridays 8:00 am to 1:00 am, with weekend coverage on Saturdays and Sundays from 2:30 pm to 1:00 am.
- ii. Two vacant positions, a Code Compliance Officer and a Code Compliance Technician, are currently in the recruitment process.
- iii. The Code Compliance Division primarily investigates complaints occurring on private property related to violations of the San Clemente Municipal Code (SCMC), and other laws the division has the responsibility to enforce. Common complaints investigated by Code Enforcement staff are:
 1. Unpermitted camping on private property
 2. Boarding houses
 3. Vacation rentals
 4. Blighted properties, lack of maintenance

5. Amplified sound
6. Unpermitted special events
7. Unlicensed businesses (Residential and Commercial)
8. Substandard housing
9. Unpermitted residential units
10. Unpermitted storm-drain discharges
11. Commercial signage and banners
12. Unpermitted construction
13. Hoarding
14. Overgrown vegetation/ weeds on private property
15. RV parking on private property

- iv. The Code Compliance Officer position currently spends about 15 to 20 hours/week addressing issues related to encampments on private property (i.e. commercial, residential, and open space lots).
- v. When resources are available, Code Compliance staff will assist the Park Rangers and Community Outreach Workers to address violations occurring on public property.

b. Immediate Action Plan for Improvement(s):

- i. The City is recruiting to fill two Code Enforcement vacancies. Once these positions are filled, the existing Code Compliance Officer will have additional time each week, on a temporary basis, to assist in the enforcement of nuisances occurring at parks and beaches. It is likely this assistance could double the hours per week already devoted to this effort. Furthermore, one of these positions could be staffed to cover weekends to provide additional assistance to the Park Rangers and respond to calls for service on Saturdays and Sundays.

4. Community Outreach Workers

a. Staffing level:

- i. The Community Outreach Team (COT) consists of two full-time Community Outreach Workers who work throughout the week, including Saturdays and Sundays during normal business hours.

1. The COT coordinates with the Orange County Sheriff's Department, Code

Compliance staff, and Park Rangers to provide outreach and case management for homeless individuals and families. The COT also provides appropriate resources and referrals for those in need of assistance via its network of outreach partners.

2. The COT connects with partner agencies/organizations in the South Service Planning Area, which is a network of non-profit and data systems to better connect homeless individuals and families with resources.
3. For a typical month, the COT makes contact with approximately 55 homeless individuals on about 280 occasions. Additionally, each month approximately 65-80 hours of case management are provided to assist the homeless in receiving resources and services aimed at ending homelessness and acquiring shelter or housing, when available. In the months of October, November, and December of 2022, the COT assisted 20 individuals in acquiring accommodations off the street (e.g. going to a shelter, reunification with family members, entering assisted living facilities, etc.).
4. The direct resources available for the COT to provide to the homeless are limited to transportation and food/hygiene kits, staff assistance with documentation (i.e. IDs), and referrals for services from outside organizations/agencies.
5. The COT is fully-staffed; additional staffing resources for this function of the Code Compliance Division is not anticipated to result in any measurable gains in the City's outreach efforts.

b. Immediate Action Plan for Improvement(s):

- i. Staff will develop a draft motel voucher program and present it to the City Council for consideration and funding in association with the FY24 budget. Ideally, such a program would provide an additional anti-camping enforcement tool in cases if/when individuals refuse vouchers.
- ii. The additional action items listed for other divisions/agencies (both immediate and near-future) are anticipated to assist the COT in reducing the service-resistance of individuals when more focus can be placed on addressing the externalities of homelessness, such as enforcement of nuisance activities and clean-up and removal of unattended and abandoned property.

5. Public Property Maintenance and Repairs (Performed by Public Works City staff and Contracted Personnel)

a. Staffing level:

- i. There is no existing team dedicated exclusively to attend to public maintenance of public beaches or other public areas (North Beach, etc.).

ii. The City retains 3 park landscaping and 1 janitorial contractor, which are periodically called upon to provide cleanup services of homeless activity/encampments, as requested by Code Compliance.

1. The contractors are available 24/7 and have to respond to an emergency within 1 hour of notification.

iii. On-call, after hours, city staff is also available to respond to emergencies.

iv. 2 City employees are always available on-call and can request the help of other employees (up to 6 additional employees) as needed.

b. Daily assignments include:

i. Landscaping and janitorial contractors perform routine maintenance of restrooms, parks, beaches, streetscapes and trails, which includes emptying trash receptacles but excludes handling of personal property and clean-up of refuse and damage emanating from encampments. When encampments are encountered in these areas, a Code Compliance officer is contacted to address noticing/inventory of personal property in compliance with applicable laws concerning the care and return of private property.

c. Weekend coverage includes:

i. Weekend coverage is deficient. Contractors are available on-call when city staff makes them aware of a problem.

1. Three landscaping and 1 janitorial contractor are available on weekends and after hours.

ii. The above resources must respond to an emergency call from City staff within 1 hour of notification. On-call after-hours city staff are also available to respond to emergencies.

iii. 2 on-call employees (Facilities and Electrical) at all times and can request the help of other employees (up to 6 additional employees) as needed.

d. Challenges include:

i. Encampment cleanups are handled with supplemental funds of base contracts. This extra funding is already stretched thin addressing special events and emergency issues and was not originally programmed for homeless cleanup. The average fee for a small encampment cleanup is \$500 per occurrence, which is funded from resources meant for managing local City-sponsored community events.

ii. Public Works spends approximately \$25,000 annually addressing homeless cleanups. We plan to add this amount to the landscape and janitorial contracts each year to address this issue.

e. Immediate Action Plan:

- i. Increase funding by \$25,000 from within the existing budget for additional on-call contract maintenance.
- ii. As soon as February 21 or March 14, present a contract amendment for an existing contractor to be assigned to proactively monitor and address identified trouble spots at and around North Beach each weekend. This cost is estimated to be \$80,000/yr.

Summary of Immediate Actions Being Taken

1. To expedite response to calls for service a more direct line of contact has been established between OCSD and Public works, Park Rangers, Code Enforcement by providing contact numbers for deputies in the field to call (business hours, after hours, weekends) regarding:
 - a. Clean-up of city streets, sidewalks, trash receptacles, utility boxes, etc.
 - b. Posting notification and collection of homeless property
2. To facilitate improved coordination between city staff and OCSD deputies we have implemented bi-weekly status meetings to share information that will benefit collective efforts addressing anti-camping, shelter referral, public safety, and public property maintenance. These meetings will provide a forum for staff to discuss and identify hot spots and problem areas to collectively find solutions by identifying available resources. The meetings will include a representative from the City Manager's office, Orange County Sheriff's Department, Public Works, Code Compliance, and the City's Outreach Worker.
3. OCSD is exploring reallocation of resources to address homeless issues specifically, including weekend coverage where we receive regular complaints concerning real and perceived violations of the City's anti-camping ordinance(s).
4. Public Works is soliciting bids for a contract that will allow us to assign weekend crews to proactively monitor identified trouble spots at and around North Beach each weekend. This coverage will fill a void in our service that is not unnoticed.
5. For the next couple of months, Park Rangers will redirect efforts throughout the City's 33 parks while targeting areas of significant concern, such as the beaches, coastal park facilities (areas west of the I-5 freeway), and associated parking lots. We will monitor the effectiveness of this measure to inform future strategies.
6. During FY budget preparation, staff will evaluate the program and fiscal impacts of converting select part-time positions to full-time positions to increase employee retention and develop area expertise, service continuity, and overall program effectiveness.
7. Staff is recruiting to fill two Code Enforcement vacancies. When filled, the existing Code Compliance Officer will have additional time each week, on a temporary basis, to assist in the

enforcement of nuisances occurring at parks and beaches. It is likely this assistance could double the hours per week already devoted to this effort. One of these positions will be staffed to cover weekends to provide additional assistance to the Park Rangers and respond to calls for service on Saturdays and Sundays.

Recommended Actions:

Staff Recommendation

It is recommended that the City Council receive and file this informational report.